

AMERICANS WITH DISABILITIES (ADA) TRANSITION PLAN FOR FACILITIES IN THE PUBLIC RIGHT-OF-WAY

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City of Auburn
Public Works Department
25 West Main Street
Auburn, WA 98001-4998

Approved by:

Date:

Ingrid Gaub, Public Works Director

08/01/2022

Jacob Sweeting, City Engineer

08/01/2022

Cecile Malik, Senior Transportation Planner

8/1/2022

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ADA Coordinator

Melissa Medisch
Human Resources Manager
mmedisch@auburnwa.gov
253-931-3073

Questions about this document:

Cecile Malik
Senior Transportation Planner
cmalik@auburnwa.gov
253-876-1964

Part 1: Overview and Background

Overview and Purpose

An accessible community enables all people, inclusive of those with disabilities to reach their destinations in the community, gain access to goods, services, and social activities that are needed on a daily basis to improve quality of life.

The City of Auburn is committed to creating and maintaining infrastructure that provides accessibility to programs, services and activities as part of the ADA Title II requirement. Based on 2017 U.S. Census data, approximately 11.2 % of Auburn residents have a disability (U.S. Census Bureau American FactFinder, 2017). Developing a Transition Plan for the public right-of-way is a considerable undertaking and requires dedicated staff, development of policies, detailed evaluation of assets, and an actionable plan to facilitate meeting the goal of barrier free pedestrian facilities to comply with Title II.

American with Disabilities Act (ADA)

Section 504 of the Rehabilitation Act of 1973 made it illegal for any entity receiving federal financial assistance to discriminate on the basis of disability. Section 504 obligates both state and local governments to ensure equal access to programs, services or activities that are federally funded.

The Americans with Disabilities Act (ADA) was signed by President George W. Bush in January 1990 and prohibits discrimination against individuals with disabilities. The ADA defined disability as a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of an impairment or being regarded as having an impairment (ADA.gov, 2016).

The Act prohibits discrimination in employment, state and local government, public accommodations, transportation and telecommunications. The ADA was assembled upon the groundwork of Section 504 but goes further to require state and local government not receiving federal funding to also meet accessibility standards. The ADA has five titles. Title II of the Act specifically addresses nondiscrimination in all programs, activities and services of public entities to include state and local government (ADA National Network, 2016).

ADA went into effect on January 26, 1992. ADA requires that all facilities constructed after this date are readily accessible and usable by persons with disabilities. Facilities built before this date

are referred to as “pre-ADA” facilities. Alteration of pre-ADA facilities generally requires the facilities to be updated to meet ADA requirements. Details of what types of activities and work on facilities in the public right-of-way are considered alterations and therefore trigger the requirement to upgrade the facilities to meet ADA requirements are included in this ADA transition plan.

ADA Transition Plan

Title II requires public agencies with over 50 employees to prepare an ADA Transition Plan. The ultimate goal of the Transition Plan is to identify facilities, programs and services that do not meet Title II of ADA and develop a plan to conform with ADA. The ADA Transition Plan consists of a self-evaluation effort which identifies agency facilities, programs or activities that limit the accessibility to individuals with disabilities. Accessibility means facilities, programs and services that are usable by individuals with disabilities. Once self-evaluation is underway, the Transition Plan can be developed and updated to include detailed methods to remove identified barriers to access and provide a target schedule for taking the necessary steps to comply with Title II. A typical ADA Transition Plan includes the designation of an ADA coordinator; information about public notice; a grievance procedure; development of internal design standards and specifications; development of the plan with a schedule and budget; and finally, a step to monitor the process outlined in the plan.

City of Auburn Transition Plan Approach

This specific Transition Plan exclusively addresses facilities within the public right of way (ROW) of the City of Auburn and is a portion of the City’s overall Transition Plan. A plan to address all City facilities, programs, and services outside of the public right-of-way will be completed separately.

The City of Auburn’s ADA Transition Plan for facilities within the public right-of-way includes the following elements:

- Overview and background
- Self-Evaluation
- Policies and Procedures

The ADA Transition Plan will be updated periodically to reflect regulatory and policy changes. Updates to the Self Evaluation will be provided through an annual publication of updated transition plan metrics or statistics.

Opportunity for Public Notice & Involvement

The ADA Transition Plan was originally developed with input from a variety of different sources. The public comment period for the original plan development was from October 1, 2019 to December 31, 2019. During this time, the City posted a draft version of the initial plan on the City’s website for review and comment: www.auburnwa.gov/ADAtransition

A request for public comments was advertised for two weeks in the Seattle Times (the City's newspaper of record). The City presented and discussed the draft plan to the City's Transportation Advisory Board (TAB), which is a citizen advisory board comprised of members representing various interests. The draft plan was also presented and discussed with the City Council during a Council study session on November 25, 2019, before the end of the public comment period. The policies were discussed with the Council on June 8, 2020 and a resolution adopting these policies was passed on June 15, 2020.

Additionally, the City has reached out to the following community groups for input and suggestions.

Groups and Organizations
Disabled American Veterans
Auburn Senior Center
Auburn Transportation Advisory Board
Hearing Loss Association of Washington (Renton Chapter)
Auburn Area Chamber of Commerce
Auburn School District
Auburn Youth Resources
Orion Industries
Lighthouse for the Blind
DeafBlind Service Center

During the comment period ending on December 31, 2019, no public comments were received.

The City will continue to accept comments regarding ADA issues and the City's ADA Transition Plan after the public comment period for the initial plan. These comments may be made through the City's webpage or through direct communications with City staff. Periodic updates to the plan would reflect any changes resulting from the additional and on-going public comments.

Part :2 Self-Evaluation

The City's self-evaluation focuses on the following facilities to gauge overall ADA compliance in the public right-of-way:

- Curb Ramps
- Signalized and Enhanced Pedestrian Crossings
- Sidewalks (including driveways)

Other facilities such as railroad crossings and parking areas are also observed and evaluated but are not specifically inventoried.

Geographic Information System (GIS) is utilized to spatially track and analyze the findings gathered from the City wide self-evaluation.

Curb Ramps

The following key indicators are utilized to determine if a curb ramp is ADA compliant:

- Ramp Slope
- Landing
- Detectable Surface
- Counter Slope
- Orientation

In 2016, the City compiled an inventory of its existing curb ramps using field surveys and GIS. The inventory collected data needed to determine whether or not an existing curb ramp was ADA compliant. The inventory also identified locations where missing curb ramps created an accessibility obstruction. The inventory revealed the following key statistics that will be compared to future years as a metric of progression towards full ADA compliance:

2016 data:

- 633 curb ramps meet current ADA requirements
- 2505 curb ramps do not meet current ADA requirements on one or more criteria
- 207 intersections and/or crosswalks do not have curb ramps

2022 data:

- 893 curb ramps meet current ADA requirements
- 2377 curb ramps do not meet current ADA requirements on one or more criteria
- 183 intersections and/or crosswalks do not have curb ramps

Signalized and Enhanced Pedestrian Crossings

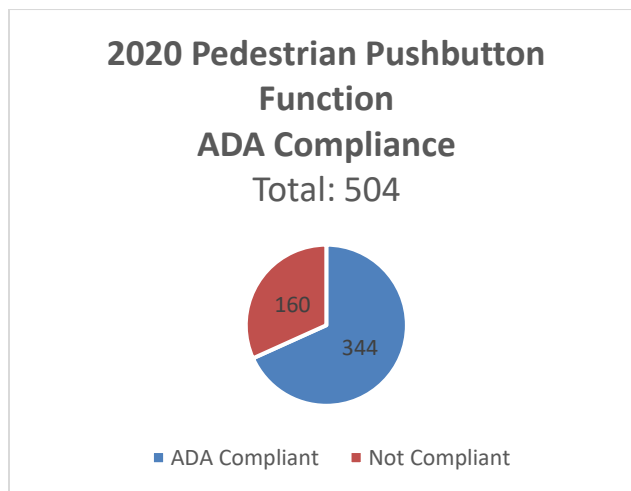
The three types of signalized and enhanced pedestrian crossings owned and maintained by the City are listed below, along with the number of each type within the City's responsibility:

- Full traffic signal with pedestrian facilities incorporated: 84
- Pedestrian only traffic signals: 6
- Mid-block crosswalks and crosswalks at un-controlled intersections with enhanced treatment (Rapid Rectangular Flashing Beacon – RRFB, or other treatment): 10

The City's signalized and enhanced pedestrian facilities are included in its asset management system, which allows the City to track the following key indicators utilized to determine if a signal or enhanced crossing is ADA compliant:

- Pedestrian Signal Head (not applicable to RRFB crossings)
- Pedestrian Push Button Function
- Pedestrian Push Button Location
- Crossing Time (Tracked with our Signal System)

The City conducted a field survey of all pushbutton locations and reach distances, and will keep the inventory up-to-date within the asset management system. The survey showed that at our signalized intersections, 344 of the 504 pedestrian pushbuttons are functionally ADA compliant. For a pushbutton to qualify as functionally ADA compliant, it must have a tactile arrow, have a brail sign, talk or beep, and vibrate.



Sidewalks

The information currently within the City's GIS system does not include data required to determine if sidewalks are ADA compliant. Field observations and surveys are performed on a site by site basis as needed to determine details related to ADA compliance. These details include:

- Condition
- Running Slope
- Cross Slope
- Width
- Encroachments or Obstructions

Significant resources, beyond those currently available to the City, would be needed to develop and maintain a Citywide inventory that includes the details listed above. However, City staff is currently evaluating how the City's GIS sidewalk information can be expanded to allow all, or some, of the ADA related data to be entered and managed as it is collected for specific sites.

Part 3: ADA Policy

Comprehensive Plan

The Comprehensive Transportation Plan (Comp Plan) is the framework for transportation planning in Auburn. It functions as the overarching guide for changes to the transportation system. The Plan evaluates the existing system and the deficiencies where improvements are needed. These findings are then incorporated into a needs assessment, which guides the future of the transportation system. Chapter 5 of the Comp Plan establishes transportation objectives and associated policies. It establishes “Complete Streets” as an objective: Ensure Auburn’s transportation system is designed to enable comprehensive, integrated, safe access for users of all ages and abilities including pedestrians, bicyclists, motorists, transit riders and operators, and truck operators. The Comp Plan states the following policy associated with the objective: Ensure the transportation system meets the requirements outlined in the Americans with Disabilities Act. This policy sets the foundation for implementing the ADA Transition Plan in the City.

City Code & Engineering Standards

Auburn City Code (ACC) Section 12.04.020 requires that all public work undertaken by the City and all work within City public rights-of-way conform to the City’s Engineering Design and Construction Standards (Engineering Standards). ACC Section 12.04.010 establishes the City Engineer as the authority to approve, supplement and amend the Engineering Standards in consultation with the City Council on policy issues and for issues with broad citywide implications.

Engineering Standards include ADA related policy, requirements, and specific standards for facilities within the City rights-of-way. The Engineering Standards are generally based on the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way (PROWAG DRAFT 2011) and also reference and adopt applicable portions of the current Manual on Uniform Traffic Control Devices (MUTCD), WSDOT Design Manual, and WSDOT Standard Plans.

The Engineering Standards include the following key ADA related policies that have been established in consultation with the City Council:

- Establishment that: “All streets shall be designed and constructed to comply with Federal Americans with Disabilities Act (ADA) laws”
- Criteria for utility trenching and roadway restoration work that triggers ADA upgrades and improvements to curbs without ramps, existing curb ramps, and traffic signal pedestrian push buttons

The Engineering Standards include and address the following specific design requirements related to ADA compliance:

- Sidewalk, driveway, curb ramp design criteria
- Crosswalk design requirements

- Pedestrian signal design requirements
- Construction work zone requirements

Development Half-Street Policy

Requiring developers to participate in the replacement and expansion of facilities in the public rights-of-way supports the City's overall ADA Transition Plan. ACC Section 12.64A establishes the types of development activity that require the developer to construct public improvements. The extents of the required public improvements consist of motorized and non-motorized facilities along the development frontage and are referred to as "Half-Street Improvements." Half-Street Improvements typically include the construction of new ADA compliant sidewalks, ramps, and driveways and replacing any existing facilities along the frontage that are not ADA compliant.

Pavement Maintenance Policy (Adopted via Resolution 5514 on June 15, 2020)

With the development of this ADA Transition Plan, the City adopted the policy established in Chapter 1510.05(2) of the WSDOT Design Manual that establishes which types of pavement maintenance activities trigger ADA improvements as part of the project. Per this policy, the following pavement maintenance activities do not trigger ADA improvements:

- Crack sealing
- Slurry seal
- Spot pavement repairs (pothole repair)
- Lane re-striping (does not alter shoulder usability)

All other pavement maintenance and replacement, including patching and grind/overlaying may require upgrade and/or installation of pedestrian ADA facilities subject to the criteria established in the City of Auburn Engineering Design Standards and in this Plan.

Sidewalks and Roadway Projects Policy (Adopted via Resolution 5514 on June 15, 2020)

With the development of this ADA Transition Plan, the City adopted a policy that roadway and utility work on existing roadways without sidewalks do not trigger the requirement to construct new sidewalks where they don't already exist. This policy does not preclude projects that include roadway or utility work from triggering the requirement for new sidewalks construction via other mechanisms, an example being Half-Street Improvements that include sidewalk construction that are triggered by certain development activity as defined in Chapter 12.64A of the ACC.

Existing Traffic Signals and Enhanced Crossings Policy (Adopted via Resolution 5514 on June 15, 2020)

With the development of this ADA Transition Plan, the City adopted policy for existing signalized and enhanced pedestrian crossings as follows:

- If no curb ramp or electrical work is being performed at a signalized intersection or enhanced crossing location, no work is required for the signal or enhanced crossing pushbuttons as part of the project.
- If a project modifies or expands any portion of the electrical systems of a signalized intersection or enhanced crossing, it must also make all pedestrian pushbutton functions (but not locations) and pedestrian signal heads (as applicable) accessible.
- If a project constructs, modifies, removes/replaces any portion of any curb ramp at a signalized intersection or enhanced crossing, the project must make the pedestrian pushbutton location accessible for that ramp and make the pedestrian pushbutton function accessible for the entire signal or enhanced crossing.

Part 4: Procedures

Project Development and Execution

The City of Auburn is improving access to pedestrian facilities by implementing ADA requirements related to capital projects, private development projects, and third party utility projects that impact the public ROW. The City of Auburn uses its adopted Engineering Design and Construction Standard Manuals, the MUTCD, WSDOT Design Manual and WSDOT Standard Plans to ensure all new construction and alterations are designed and constructed to meet current ADA requirements. An alteration typically means a change to a facility within the public ROW that affects or could affect access.

All ADA requirements must be applied to the maximum extent feasible. This means efforts should be made to comply with ADA as is reasonably possible. The Code of Federal Regulations (CFR) recognizes there are times where it is virtually impossible to comply fully with the standards. These situations are documented with a Maximum Extents Feasible (MEF) memo that explains the constraints and why it is not feasible to achieve full compliance. The MEF documentation is typically prepared using WSDOT's standard form.

Below are the types of projects that are required to comply with the ADA:

1. Capital Improvement Projects:
 - a. Street preservation (grind and overlay, patching, etc.)
 - b. Street reconstruction
 - c. Intersection improvement projects
 - d. Sidewalk improvement projects
 - e. Utility repair, replacement, and improvement projects.
2. Private Development Projects:
 - a. Half street improvements including sidewalks, curb ramps and street improvements per Auburn City Code 12.64A
 - b. Plat developments that require construction of street and compliant sidewalk infrastructure
3. Franchise Utility and other 3rd Party Work in the ROW:
 - a. Installation of new utilities that impact the pedestrian corridor
 - b. Repair and/or replacement if existing utilities that impact the pedestrian corridor
 - c. Relocation of utilities to accommodate other facilities in the ROW that impact the pedestrian corridor.

City inspection staff monitors installation of all improvements within City ROW to ensure ADA requirements are met. If ADA requirements are not met, the contractor or developer will be required to repair/replace infrastructure at their expense.

Interim Accommodations

The City of Auburn interim accommodations may be necessary in the public right-of-way. The City will work to accommodate specific requests as feasible.

Residential Disabled On-Street Parking

When applicable, a signed disabled parking space can be requested through the City of Auburn. The City will evaluate the request and make a determination for each situation. This process only intends to shorten the travel distance for residential access. This does not mean other access provisions such as installing or repairing curb ramps, driveways, or sidewalks will be completed at the same time as the designated ADA parking space.

The disabled on-street parking request requires the resident to fill out an application, provide their valid state disabled parking permit number, and justification as to why there is no viable accessible off-street parking. This parking designation is still subject to city codes and ordinances. The disabled parking space does not permit a vehicle to be parked in any street in the city for more than 72 hours consecutively and can be utilized by any user with a valid disabled parking permit. The resident is responsible for notifying the City when the space is no longer needed. The City, once notified, will remove the space and associated signage.

Citizen Requests

Reporting repairs or maintenance needed for ADA compliance is important and can be completed using www.auburnwa.gov/reporting or the *SeeClickFix* app. City Staff has the ability to respond to sidewalk and signal issues. If the issue is beyond the local capability to perform a complete repair, it will be addressed with a temporary fix if possible and/or prioritized for correction by a service or construction contract. In many cases, sidewalk issues can be temporarily addressed by marking with bright paint and/or grinding down a portion of the concrete panel or by adding asphalt to smooth the transition. Signal technicians are able to address pedestrian systems where they are installed.

Project Development and Prioritization

The City of Auburn encompasses nearly 30 square miles of land that has been developed over the last century under differing ADA requirements or, for much of the City, prior to ADA requirements being in place. It follows that the broad scope and cost to achieve the goals of the ADA Transition Plan are enormous and require a strategic approach. The City's approach towards planning, funding, and completing projects that help implement the ADA Transition Plan relies heavily on prioritization. As funding is made available to the City to complete capital projects to address ADA issues, projects are identified and selected based on the following prioritization schedule:

ADA Issue Type (listed from highest to lowest priority):

- 1) Obstruction - Damaged or lifted sidewalk with lip greater than ½-inch.
- 2) Obstruction - No curb ramp present at transition from raised sidewalk to roadway crossing.

- 3) Obstruction – Extreme cross slope (greater than 8%) of sidewalk or curb ramp
- 4) Obstruction – Sidewalk path encroachment that reduces the pathway below the minimum width allowed (street tree, hydrant, sign, power pole)
- 5) Non-compliant pedestrian signal head
- 6) Non-compliant pedestrian push-button function
- 7) Non-compliant push button location
- 8) Non-compliant curb ramp
- 9) Discontinuous pedestrian path between established pedestrian infrastructure
- 10) Non ADA compliant sidewalk: Cross slopes that are not an obstruction but are not compliant (greater than 2% and less than 8%), Damaged or lifted sidewalk with lip greater than 1/4 –inch but less than 1/2 inch.

Priority by Location (listed from highest to lowest priority):

- 1) Location for which a complaint has been received that path of use is obstructed due to ADA issues
- 2) Downtown Urban Center Zone
- 3) School walking routes
- 4) Walking routes to transit stops and facilities
- 5) Walking routes to parks, hospital/medical facilities, pharmacies, low-income services
- 6) Walking routes to commercial centers
- 7) Roadway corridors with high levels of pedestrian traffic
- 8) Roadway corridor with medium to low levels of pedestrian traffic

Current standards require the developer of residential neighborhoods and lots to construct sidewalks and curbs (and therefore curb ramps) as part of its project. Many residential neighborhoods in Auburn were constructed prior to this standard being in place and do not have sidewalks and curbs. Unless they fall into one of the categories listed above, utilizing City funds to construct sidewalks and curbs (with ramps) in these under developed residential neighborhoods is not a high priority. Instead, the City suggests neighborhoods without sidewalks that desire them pursue a Local Improvement District (LID) or other means to finance the sidewalk projects. In all cases when a specific request or complaint is made for ADA accommodations in the public rights-of-way, in residential neighborhoods or otherwise, it is considered to be a high priority.

Funding

Most ADA improvements made in the City's public rights-of-way are associated with public and private projects that trigger the ADA requirement as part of some other activity or project. It follows that the majority of funding spent on ADA improvements is from public and private funds allocated for other activities or projects. These activities and projects include private and public utility work, paving and roadway work, construction and expansion of new building projects, and more.

Funding for projects that specifically address ADA needs within the public rights-of-way is typically from the City's Capital Improvement Fund (328). The Arterial Streets Fund (102) also typically includes funding allocated for ADA improvements on classified streets (arterials and collectors). Funding levels for these programs are set by the City Council as part of the City's Biennial Budget process. Additional funds are sometimes available from grant programs. The Community Development Block Grant Program (CDBG) administered by the Department of Housing and Urban Development (HUD) has provided funding to construct ADA improvements in low income areas throughout the City.

The City of Auburn has two programs with dedicated funding for annual pedestrian, sidewalk, and ADA improvements as part of the Six-Year Transportation Improvement Program (TIP) and Capital Facilities Plan (CFP). The Citywide ADA and Sidewalk Improvement Program funds citywide accessibility improvements including improving sidewalks, curb ramps, removing barriers, and completing gaps. The Citywide Pedestrian Accessibility and Safety Program is designed to address small pedestrian improvement projects at locations throughout the City based on pedestrian demands, existing deficiencies and citizen requests. These programs have been funded historically at approximately \$200,000 and \$100,000 per year respectively. Future program budgets are determined by the City Council Bi-annually.

Special Challenges

Besides limited funding, other issues make it challenging for the City to improve right-of-way facilities to meet ADA standards. These challenges include coordination with other agencies, the physical topography of the City, and pre-ADA development.

The City of Auburn is unique in that it spans across two counties and is bordered by several different agencies, each with its own jurisdiction over its public rights-of-way (Alcona, Pacific, Federal Way, Kent, King County, Pierce County). Three state routes pass through Auburn with interchanges, ramps, bridges, and intersections that fall under the jurisdiction of the Washington State Department of Transportation (WSDOT). Portions of Auburn are lands of the Muckleshoot Indian Tribe, which has sovereignty over most infrastructure within Trust lands. Additionally, Burlington Northern Santa Fe (BNSF) operates a large rail-yard and rail lines that run north-south through the City and east-west from the yard to the eastern City limits. Union Pacific Railway also operates a rail line that runs north-south through the City. Planning and constructing improvements to address ADA needs within the City sometimes requires coordination, permitting, and separate funding from some or all of these entities which can present logistical challenges. It is also difficult to provide facilities at the connection, and sometimes, overlap locations due to differing standards, timing of available funding, and other constraints.

The City's unique topography presents challenges in transitioning to full ADA compliance. The City's land area consists of a valley area with the Green River, White River, and Mill Creek passing through it, the Lea Hill and Lakeland Hills areas along the east side of the valley, and the West Hill along the west side of the valley. On the hillside areas, it is a challenge to meet slope

requirements for sidewalks and ramps. In the flat valley areas, grading to meet ADA requirements sometimes results in standing water or other drainage and maintenance issues.

The downtown and surrounding areas of Auburn were mostly developed before ADA requirements were established. This sometimes results in physical constraints such as buildings, bridges, walls, and other facilities that make it physically infeasible to construct ADA compliant sidewalks, ramps and other infrastructure without significantly impacting those existing facilities.

In cases where special challenges prevent the City from constructing ADA facilities that fully conform to ADA standards, the City has adopted a Maximum Extents Feasible (MEF) process. If during the design or construction of a sidewalk, ramp, or other right-of-way infrastructure physical constraints are present that prevent the infrastructure from being built to meet ADA standards, the Engineer-in-charge will prepare a MEF Document that summarizes the constraints and the standard(s) not being met. Constraints that are considered when evaluating an MEF Document include: physical built features such as buildings, walls, utilities that would be extremely difficult to relocate, environmental constraints such as critical areas (wetlands, streams, mountains), and property impacts that would have significant negative impacts to the property (loss of parking stalls below the minimum required, loss of business functionality), and other factors that are considered on a case-by-case basis as they arise.

Implementation Schedule

Due to funding constraints continuously changing and re-interpretation of ADA standards, full compliance of all public facilities within the rights-of-way will likely not be achieved for several decades, if at all. Instead, the City's prioritization of specific ADA compliance issues will allow for those elements to meet standards within reasonable timeframes given the aforementioned constraints:

- Pedestrian Signal Heads: replacement of non-compliant signal heads within 5 years
- Pedestrian Push-button functionality: replacement of non-compliant push-buttons to meet standards within 5 to 15 years
- Pedestrian Push-button location: relocation of non-compliant push-buttons within 10 to 25 years
- Curb Obstructions: improvements to remove of all obstructions within 10 to 25 years
- Curb Ramps: improve or replace all curb ramps to be compliant – timeframe cannot be estimated at this time.
- Sidewalks: Eliminate sidewalk gaps on arterial streets – timeframe cannot be estimated at this time.
- Sidewalks: Eliminate sidewalk gaps on collector streets – timeframe cannot be estimated at this time.

Monitoring Progress

Additional information will be added as significant portions of the self-evaluation are completed. This plan is intended to provide a foundation to work toward an accessible public ROW and will be updated on an ongoing basis to reflect which barriers were removed with a project action or independent remediation. This is a living document. The text, appendices and requirements will likely change with each update.

Routine minor updates to this plan will be made on a regular basis as improvements are completed, new barriers to access are identified or new requests are submitted. GIS and OMS software are the tools currently utilized by the City to monitor progress of the ADA Transition Plan. The City is developing an “ADA Transition Dashboard” that will be posted on the City’s website that shows key metrics indicating the City’s progress towards implementing the goals of the public rights-of-way transition plan.

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